IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1106 OF 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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THE UNITED INDIA INSURANCE COMPANY LIMITED - Appellant(s)
Versus
MINOR NILESHBHAI @ ARVINDBHAI SON OF CHHAGANBHAI GOHIL & ORS. - Respondent(s)

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Appearance :
Shri Vibhuti Nanavati for Appellant(s).
None for Respondent (s) : 1 though names of Shri S.N. Soparkar and Shri Rajesh K. Desai is shown in the Daily Board.
None for Respondent(s) : 2-4.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 06/08/2007

ORAL JUDGMENT

The appellant-Insurance Company, being aggrieved by the award dated 6th January, 1988 passed by the learned Motor Accident

Claims Tribunal (Main), Nadiad in M.A.C.P. No.137 of 1983, is before this Court with a submission that as the vehicle was already transferred and the transferor or the transferee did not seek transfer of the insurance policy, the liability of the Insurance Company had come to an end.

2. The Apex Court, in the matter of ***G. Govindan vs. New India Assurance Co. Ltd. & Ors.***, reported at ***AIR 1999 SC 1398***, has observed that even if the insured has not informed the Insurance Company about the transfer of the vehicle, the same would not make any difference. The Apex Court also observed that both under the old Act and under the new Act, the Legislature was anxious to protect the third party (victim) interest. It appears that what was implicit in the provisions of the old Act is now made explicit, presumably in view of the conflicting decisions on this aspect among the various High Courts. In view of the said authoritative pronouncement by the Apex Court, the question does not survive for consideration.

3. So far as the liability *qua* the third party is concerned, the same would be unlimited and under the circumstances, there is no reason for making any interference in the matter. The appeal deserves to and is, accordingly, dismissed. No costs.

[R.S.Garg, J.]

*kamlesh**